

1	UNITED STATES DISTRICT COURT	
2	DISTRICT OF NEVADA	
3	MARK S. SMITH,	Case No. 3:23-cv-00615-MMD-CSD
4	Plaintiff	<b>ORDER</b>
5	v.	
6	STATE OF NEVADA, et al.,	
7	Defendants	
8		

9                   On December 1, 2023, pro se plaintiff Mark S. Smith, an inmate in the custody of  
 10 the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983.  
 11 (ECF No. 1-1). Plaintiff has neither paid the full \$405 filing fee for this matter nor filed an  
 12 application to proceed *in forma pauperis*. (See ECF No. 1).

13 **I. DISCUSSION**

14                   The United States District Court for the District of Nevada must collect filing fees  
 15 from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights  
 16 action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28  
 17 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply  
 18 to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. Prac. LSR 1-1. For an  
 19 inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the  
 20 following documents to the Court: (1) a completed **Application to Proceed *in Forma***  
 21 **Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly  
 22 signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is  
 23 page 4 of the Court’s approved form, that is properly signed by both the inmate and a  
 24 prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account**  
 25 **statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev.  
 26 Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her  
 27 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.  
 28 See 28 U.S.C. § 1915(b).

1        As explained above, Plaintiff has neither paid the full filing fee nor applied to  
2 proceed *in forma pauperis*. The Court gives Plaintiff **until February 9, 2024**, to either pay  
3 the filing fee or submit an application to proceed *in forma pauperis*.

4        **II. CONCLUSION**

5        It is therefore ordered that Plaintiff has **until February 9, 2024**, to either pay the  
6 full \$405 filing fee or file a fully complete application to proceed *in forma pauperis* with all  
7 three required documents: (1) a completed application with the inmate's two signatures  
8 on page 3, (2) a completed financial certificate that is signed both by the inmate and the  
9 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the  
10 previous six-month period.

11       Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
12 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff  
13 to refile the case with the Court, under a new case number, when Plaintiff can file a  
14 complete application to proceed *in forma pauperis* or pay the required filing fee.

15       The Clerk of the Court is directed to send Plaintiff Mark S. Smith the approved form  
16 application to proceed *in forma pauperis* for an inmate and instructions for the same and  
17 retain the complaint (ECF No. 1-1) but not file it at this time.

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19       DATED THIS 11th day of December 2023.

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UNITED STATES MAGISTRATE JUDGE

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